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November 16, 2023

VIA ECF

The Honorable Edgardo Ramos  
United States District Court, Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: Esperion Therapeutics, Inc. v. Daiichi Sankyo Europe GmbH, 23-cv-02568 (S.D.N.Y.)

Dear Judge Ramos:

We represent Plaintiff Esperion Therapeutics, Inc (“Esperion”) in the above-captioned action. We write pursuant to this Court’s Individual Practice Rule 3(ii) to respectfully request permission to file under seal the exhibits to Esperion’s letter in opposition to Defendant Daiichi Sankyo Europe GmbH’s (“DSE”) request for a protective order prohibiting the deposition for DSE General Counsel Martin Fürle.

The exhibits include documents produced by the parties and designated as Confidential, as well as the transcripts of depositions designated as Confidential and, in part, as Highly Confidential – Attorneys’ Eyes Only, pursuant to the stipulated protective order entered by the Court. The exhibits include emails sent by DSE’s General Counsel discussing specific proposed edits to the License and Collaboration Agreement at issue in this case (“License Agreement”). This Court has previously granted permission to file under seal the License Agreement, as well as certain documents produced in discovery. *See* ECF No. 57; ECF No. 65.

We thank the Court for its consideration of this request.

Respectfully,



Orin Snyder

cc: All counsel of record (via ECF)